

*****NOTE: THIS ADMINISTRATIVE ORDER WAS NEVER SIGNED AND
DID NOT GO INTO EFFECT!***

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

| | | |
|---------------------------|---|----------------------|
| IN THE MATTER OF THE |) | ADMINISTRATIVE ORDER |
| OPERATION OF THE JUDICIAL |) | NO. 95-001 |
| BRANCH IN MARICOPA COUNTY |) | |
| _____ |) | |

The Board of Supervisors has directed, pursuant to a resolution passed on December 14, 1994, that certain employees of the Judicial Branch "... will be notified that their approved salary or funded work hours will be reduced by 25% per week beginning January 2, 1995", and that certain "... listed temporary employees will be terminated on January 6, 1995." See Memorandum of December 14, 1994, from Sandi Wilson via David Smith to Board of Supervisors, Attachment H, Attachment I, which document is attached hereto.

The Board of Supervisors has cited no authority by which it can direct that the employment status of any employee of the Judicial Branch be reduced or terminated without cause. In fact, the proposed action by the Board of Supervisors probably contravenes the Judicial Merit Resolution and Rules. County counsel has been advised by the presiding judge of this position.

Accordingly, it is

ORDERED that the Board of Supervisors and the individual members thereof, Tom Rawles, Don Stapley, Betsey Bayless, Ed King, and Mary Rose Wilcox, are restrained until further order of the court from taking any action or giving any direction to any employee of Maricopa County or anyone else which would have the effect of implementing the aforementioned resolution of the Board of Supervisors of December 14, 1994, or which would otherwise result in the implementation of that resolution.

ORDERED setting an administrative hearing in **Courtroom 402, Central Court Building for 9:00 a.m. on January 10, 1995,** before Judge Robert R. Bean, at which time, the Board of

Supervisors is

ADMINISTRATIVE ORDER 95-001

invited to appear and present whatever information it may wish to present in support of the proposed reduction or elimination of administrative positions and why this order should be vacated.

DONE on January 3, 1995.

C. Kimball Rose, Presiding Judge

Original to be filed with the Clerk of the Court

CC: Betsey Bayless, Chairman, Board of Supervisors
Supervisor Tom Rawles
Supervisor Ed King
Supervisor Mary Rose Wilcox
Supervisor Don Stapley
David Smith, Chief Administrative Officer
Sandi Wilson, Office of Management & Budget
Deborah Larson, Associate County Administrator, EE
Paul Ahler, Director, Human Resources
Shawn Nau, Office of County Counsel
Hon. Robert R. Bean
Chief Justice Stanley G. Feldman
David Byers, Administrative Office of the Courts
Chuck Roush
Court Management Team
All Judges and Commissioners

December 30, 1994

Betsey Bayless, Chairman
Board of Supervisors

Dear Betsey:

At this holiday time of year, I wish you a very Happy New Year!

Which, I suspect, will be somewhat happier than usual with your knowledge that you have only five more days as Chairman!

As I have said before, I have enjoyed working with you. While we may have had some differences on occasion, you have maintained the ability to keep them at a strictly professional level and never let them approach a personal level. That, I have truly appreciated.

However, I must end this year with the attached letter. I am confident that upon reading it, you will understand I have no alternative despite this festive time of year.

Nonetheless, I do personally wish you and yours a very Happy New Year!

Sincerely,

C. Kimball Rose
Presiding Judge

December 30, 1994

Betsey Bayless, Chairman
Board of Supervisors

Dear Betsey:

As business winds down today and as people look forward to the celebration of the old year passing and the new year beginning, most folks are pretty relaxed and anticipating the good times over this weekend. Unfortunately, there is one hopefully small matter that faces us which, ironically, is due to the time of year.

On December 14, the Board passed a resolution that unless the Judicial Branch presented an acceptable alternative by December 28, that on January 2, 1995, a large number of court employees would be notified that their earnings would be reduced by 25% and temporary court employees would be terminated on January 6, 1995. We have told you that this action is not acceptable to us. You also asked the Judicial Branch to present alternatives to the salary reduction proposal.

On December 28, the Judicial Branch presented alternative proposals by which some \$1,180,000 could be saved this fiscal year. We understand that either Sandi Wilson or David Smith were in some fashion delegated the authority to determine whether the proposed alternatives were "acceptable." Neither returned to work until yesterday, December 29. The only word we have received regarding the acceptability of the proposals is a statement in the Arizona Republic that you said you "... expect the departments (sic) will receive a response on the proposals next week." Unfortunately, the first working day next week begins after January 2, 1995.

So, my problem is that, as of today, the last working day before January 2, I have no official word from the Board that the January 2 and January 6 portions of the December 14 resolution will not go into effect until after a determination of acceptability about the proposals we gave you. Because of the professional relationship between our branches, I anticipate that the resolution will not be implemented on January 2, 1995.

BETSEY BAYLESS, CHAIRMAN
BOARD OF SUPERVISORS
December 30, 1994

However, I would be derelict in my responsibilities as presiding judge if I were not prepared for the, hopefully unlikely, event that the December 14, 1994 resolution will be implemented. Therefore, unless I receive appropriate official notice from the Board of Supervisors that the December 14, 1994 resolution will not be implemented on January 2, 1995, I will enter, and have served, the attached Administrative Order 95-001 on Tuesday afternoon, January 3, 1995.

I am sorry I have to end the year on this note, but I am sure that you can also see that I have no alternative.

Sincerely,

C. Kimball Rose
Presiding Judge

CKR/th
Attachment

CC: (w/attachment)

Supervisor Tom Rawles
Supervisor Ed King
Supervisor Mary Rose Wilcox
Supervisor Don Stapley
David Smith, Chief Administrative Officer
Sandi Wilson, Director, Office of Management & Budget
Shawn Nau, Office of County Counsel
Judge Robert R. Bean
Judge Rebecca A. Albrecht
Court Management Team
Chuck Roush